



Regional Center Zoning Ordinance of Indianapolis-Marion County

Chapter 735 of the Indianapolis Code

Article VI. Regional Center

Original: 70-AO-3

Amended: 70-AO-5

81-AO-7 *(food/flower carts exempt)*

82-AO-3 G.O. 13, 1983, Jan. 31, 1983 *(North Meridian Corridor)*

92-AO-2 *(food/flower carts deleted)*

93-AO-2 *(ILP requirement deleted for change of use)*

96-AO-4 G.O. 173, 1996, Dec. 2, 1996 *(Legally Established Non-Conforming Uses)*

G.O. 31, 2001, *(Legally Established Non-Conforming Uses)*

G.O. 2, 2002, *(Legally Established Non-Conforming Uses)*

2008-AO-01 G.O. 56, 2008 *(incorporated Urban Design Guidelines, effective August 31, 2008)*

Chapter 735 ZONING -- OTHER DISTRICTS *

ARTICLE VI. REGIONAL CENTER*

*[*Editor's note: This article consists of G.O. 13, 1983, adopted Jan. 31, 1983, and as amended through G.O. 56, 2008, effective August 31, 2008. Future amendments will be indicated by parenthetical history notes following the amended section.]*

Sec. 735-600. Establishment of official zoning map; establishment of Regional Center and North Meridian Street Corridor; additional standards and requirements for use and development.

(a) Establishment of the official zoning map.

- (1) The county is divided into zoning districts, as shown on the official zoning map, which together with all explanatory matter thereon, is adopted by reference and declared to be a part of all zoning ordinances for Marion County, Indiana.
- (2) The official zoning map shall be maintained in electronic form, and depicted in various formats and scales as appropriate to the need. The Director of the Department of Metropolitan Development shall be the custodian of the official zoning map.
- (3) When changes are made in zoning district boundaries, such changes shall be made on the official zoning map promptly after the amendment has been adopted in accordance with IC 36-7-4-600 Series.
- (4) No changes shall be made to the official zoning map except in conformity with the requirements and procedures set forth in the zoning ordinance and state law.

- (b) Establishment of Regional Center and the North Meridian Street Corridor.** The Regional Center and North Meridian Street Corridor secondary zoning district is hereby established. All uses and development permitted by the various zoning districts applicable to land located within the Regional Center and the North Meridian Street Corridor secondary zoning district, as designated on the official zoning map, shall be subject to the following additional standards and requirements:

(G.O. 56, 2008, effective August 31, 2008)

Sec. 735-601. Metropolitan Development Commission approval required.

All development of land and demolition of structures located within the Regional Center and the North Meridian Street Corridor of Indianapolis, Marion County, Indiana, shall be subject to the Metropolitan Development Commission's approval as included within a required site and development plan approved as hereinafter provided. Provided, however:

- (a) The outdoor retail sales of beverages, flowers and food from carts on sidewalks and public areas shall be subject to the provisions of, and approved by the city controller in accordance with, Chapter 961 of this Code and shall not be subject to the provisions of this article.
- (b) Any lot located within any locally designated historic preservation areas as established by, and under the jurisdiction of, the Indianapolis Historic Preservation Commission (IHPC), shall not be subject to the provisions of this article.

(G.O. 56, 2008, effective August 31, 2008)

Sec. 735-602. Requirements of Metropolitan Development Commission approval.

- (a) **Filing the site and development plan.** All alteration, construction, conversion, demolition, development, enlargement, improvement, and modification on any lot shall file a petition for approval of the proposed changes.

Upon the filing of such a petition, the Administrator of the Division of Planning of the Department of Metropolitan Development, on behalf of the Metropolitan Development Commission, shall consider and either approve, disprove, or approve subject to any conditions, amendments, commitments or covenants by the petitioner, or refer to the *Regional Center Hearing Examiner*, the proposed site and development plan.

Petitions for *High Impact Projects* shall be automatically referred to the *Regional Center Hearing Examiner*. Petitions for *High Impact Projects* shall be required to provide public and individual notice of such filing and referral by the Administrator in accordance with the Rules of Procedure of the Metropolitan Development Commission.

The action upon such a petition by the Administrator or *Regional Center Hearing Examiner* upon such approval request shall be subject to the filing of an appeal, within ten (10) calendar days, by any aggrieved person to the Metropolitan Development Commission. Such an appeal shall otherwise be in accordance with Article VII of the Rules of Procedure of the Metropolitan Development Commission.

The Metropolitan Development Commission may consider and act upon such appeal of the action of the Administrator or *Regional Center Hearing Examiner* at any public meeting of the Commission and shall either approve, disapprove, or approve the site and development plan subject to any conditions, amendments, commitments, or covenants by the petitioner in accordance with the Rules of Procedure of the Metropolitan Development Commission.

- (b) **Standards and requirements for site and development plan, uses and structures.**

- (1) The required site and development plan, drawn to scale and dimensioned, and building and structural plans, shall indicate, where applicable:
 - a. Existing uses, buildings and structures, noting those to remain and a description of materials and exterior colors.
 - b. Proposed buildings and structures, and the materials and exterior colors thereof.
 - c. Floor plans indicating floor area by activity types, vertical circulation, exits, service access.
 - d. Elevation drawings of proposed buildings and structures, and the color, materials, window glazing material reflectance & transmissivity thereof.
 - e. Off-street parking design and internal traffic pattern.
 - f. Vehicular entrances, exits, and turnoff lanes.
 - g. Rights-of-way, easements and building setbacks.
 - h. Landscaping plan showing names, sizes at planting, spacing, and quantity of materials.
 - i. Site improvements, such as site lighting, paving materials, furnishings, and the materials and colors thereof.
 - j. Screens, walls, fences, and the materials and colors thereof.
 - k. Signs, and the location, size, elevation, color, materials, and design thereof.
 - l. Utilities, if aboveground facilities are needed.

- m. Pedestrian ways below, at, or above grade.
 - n. Information related to the development's environmental impact (such as application for LEED certification, paving permeability, and other sustainable techniques) and shadow casting.
 - o. For *High Impact Projects*, a written statement of design intent.
 - p. Documentation demonstrating compliance with all other requirements of this Article of this Code.
- (2) Details of such a development, including signage, building facade treatment, street furnishings and landscaping within the right-of-way, landscape treatment on the site, development intensity and massing of structure shall be so designed to:
- a. Be in conformity with the Regional Center Plan for Indianapolis, Marion County, Indiana, and the Regional Center Design Guidelines, adopted by the Metropolitan Development Commission's Resolution 2008-CPS-R-003, June 18, 2008; and any subsequently adopted plan;
 - b. Create a superior land development plan, in conformity with the Comprehensive Plan for Marion County, Indiana;
 - c. Create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the Regional Center, the North Meridian Corridor, applicable zoning district and within adjacent uses;
 - d. Provide adequate access, parking and loading areas;
 - e. Provide adequate on-site vehicular circulation integrated with traffic control and existing and planned public streets in the vicinity;
 - f. Provide adequately for sanitation, drainage and public utilities;
 - g. Allocate adequate sites for all uses proposed - the design, character, grade, location, and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions;
 - h. Create and maintain clear sight lines which enhance the views of parks and landmarks in the Regional Center and North Meridian Street Corridor for pedestrians and motorists;
 - i. Create and enhance defensible, safe spaces and discourage crime through appropriate design, passive, natural surveillance and activated pedestrian areas;
 - j. Provide for accessibility and mass transit opportunities;
 - k. Be compatible in construction material, scale, color and pattern with the existing environment.

(G.O. 56, 2008, effective August 31, 2008)

Sec. 735-603. Applicability.

With the exception of legally established nonconforming uses, no land, building, structure, premises or part thereof shall be used or occupied except in conformity with these regulations and for uses permitted by this Article. In the case of any difference of regulations between this Article and the regulations of the primary zoning district, this Article shall control. Except as modified by this Article, all development standards as required by the primary zoning district shall apply.

Sec. 735-604. Prohibited Uses in the Regional Center and North Meridian Street Corridor.

The following uses shall not be permitted within the Regional Center or within the North Meridian Street Corridor. Any of the following uses lawfully in existence on the date of this article shall be permitted to remain.

- (a) Adult entertainment businesses or uses.
- (b) Billiard parlor, or roller or ice skating rink on any lot with frontage on Meridian Street.
- (c) Facilities with a drive-in, drive-through, drive-up, or customer service window on any lot with frontage on Meridian Street, Pennsylvania Street, Washington Street, Market Street, or on any lot located within the *Mile Square*.
- (d) Fuel or gasoline stations on any lot with frontage on Meridian Street, Market Street, Pennsylvania Street, Washington Street, or on any lot located within the *Mile Square*.
- (e) Night club, private club, or lounge on any lot with frontage on Meridian Street within the *North Meridian Street Corridor*.
- (f) Outside storage of equipment or materials that is not associated with any sidewalk cafe, outdoor dining, or food or flower cart.
- (g) Outside display of merchandise that is not associated with any sidewalk cafe, outdoor dining, or food or flower cart on any lot with frontage on Meridian Street, Pennsylvania Street, Washington Street, Market Street, or on any lot located within the *Mile Square*.
- (h) Package liquor stores and check cashing stores, except as a part of an integrated commercial center that exceeds a gross floor area of 10,000 square feet.
- (i) Pawnshops or loan shops.
- (j) Surface parking lot on any lot with frontage on Meridian Street, Pennsylvania Street, Washington Street, Market Street, or on any lot located within the *Mile Square*.
- (k) Vehicle sales (new or used) or vehicle service or repair on any lot with frontage on Meridian Street, Pennsylvania Street, Washington Street, Market Street, or on any lot located within the *Mile Square*. And further, used vehicle sales shall be prohibited except as an accessory use to new automobile sales.
- (l) Vehicle wash (any type, such as, completely indoors wash, self-service wash, automatic or semi-automatic wash) on any lot with frontage on Meridian Street, Washington Street, Market Street, or on any lot located within the *Mile Square*.

(G.O. 56, 2008, effective August 31, 2008)

Sec. 735-605. Additional Development Standards in the Regional Center and North Meridian Street Corridor.

All development standards as required by the zoning district shall be applicable in the Regional Center and the North Meridian Street Corridor except as modified by this section.

(a) Required front yard, setback.

1. Buildings and structures shall be in accordance with the Metropolitan Development Commission's approval.
2. *Vehicle areas* shall be located with a minimum setback of eight (8) feet and the maximum setback shall be the *established front setback line*.

(b) Use of required yards. Off-street parking shall not be permitted in any front yard required by ordinance.

(c) Landscaping within the right-of-way. At least one overstory tree with associated grating or protection system shall be provided and maintained in the right-of-way for each forty (40) feet of linear frontage along the following streets within the *Mile Square*:

- (1) Capitol Avenue;
- (2) Illinois Street;
- (3) Meridian Street;
- (4) Pennsylvania Street;
- (5) Delaware Street;
- (6) Ohio Street;
- (7) Market Street;
- (8) Washington Street;
- (9) Maryland Street;
- (10) Georgia Street.

(d) Drive-in, drive-up, drive-through and customer service window facilities. No customer service window shall be located on a façade that is adjacent to or faces a public right-of-way that exceeds thirty (30) feet in width. No off-street stacking space shall be located in a front yard that is along a public right-of-way that exceeds thirty (30) feet in width. In all instances, customer service windows shall be screened from all public rights-of-way that exceed thirty (30) feet in width regardless of proximity. Refer to Diagram W.

(e) Alley. An *alley* may be used for maneuvering for parking of automobiles.

(f) Exteriors. Building exteriors, awnings, porches, signs, landscaping, hardware and windows shall be properly maintained, kept clean, painted and in good repair.

(g) Signs.

(1) Business signs: Business signs shall comply with the sign regulations of Chapter 734 of this Code and be further modified by the following:

- a. Building identification signs and freestanding identification signs within the *North Meridian Street Corridor* shall be limited to wall signs, ground signs, awning signs, marquee signs, suspended signs, pylon signs and projecting signs. Signs shall be further limited by the following:
 1. Pylon signs shall not exceed thirty-six (36) square feet per sign face and shall not exceed 14 feet in height.
 2. Ground signs shall not exceed thirty-six (36) square feet per sign face and may be up to six feet in height.

3. Projecting signs shall not exceed eighteen (18) square feet per sign face.
 - b. Building identification signs and freestanding identification signs within the Regional Center but not within the *North Meridian Street Corridor* shall be limited to wall signs, pylon signs, awning signs, marquee signs, suspended signs, and projecting signs. Signs shall be further limited by the following:
 1. Pylon signs shall not exceed thirty-six (36) square feet per sign face and shall not exceed 8 feet in height.
 2. Projecting signs shall not exceed thirty-six (36) square feet per sign face.
 - c. Building identification signs and freestanding identification signs within the *Mile Square* shall be limited to wall signs, awning signs, marquee signs, suspended signs, and projecting signs. Signs shall be further limited by the following:
 1. Projecting signs shall not exceed fifty-four (54) square feet per sign face.
 2. Projecting signs, awning signs, and marquee signs along Meridian Street and Market Street shall not project more than three (3) feet into the right-of-way.
- (2) Advertising signs (also known as billboards or off-premise signs):** Advertising signs shall not be permitted.

(G.O. 56, 2008, effective August 31, 2008)

Sec. 735-606. Legal establishment of nonconforming uses that were not legally initiated prior to April 8, 1969.

- (a) A nonconforming use in a Regional Center district of this article shall be deemed to be legally established (relative to both use and development standards) if the use:
1. Existed prior to April 8, 1969; and
 2. Has continued to exist from April 8, 1969, to the present; and
 3. Has not been abandoned; and
 4. Of the entire building has not been vacant voluntarily for any period of three hundred sixty-five (365) consecutive days.

A certificate stating the use and development of a property are legally established under this section shall be available from the Administrator on the presentation of sufficient evidence. The rules of procedure of the Metropolitan Development Commission shall outline the procedure to be followed in order to obtain an official certificate.

- (b) Any construction, erection, conversion (including, but not limited to the addition of dwelling units), enlargement, extension, reconstruction or relocation occurring after April 8, 1969, must have been done in conformity with these regulations and have been done for uses permitted by this article. Any such future activity shall not be permitted except in conformity with these regulations and for uses permitted by this article.
- (c) Subsection (a)(3) shall:
1. Have no effect upon the powers of the Consolidated City of Indianapolis, Marion County, or any unit or agency thereof, or the Health and Hospital Corporation of Marion County, Indiana, to enforce other public health and safety laws and ordinances affecting real property, including those contained in IC 34-1-52-1 through 34-1-52-4 (Codification of Common Law Nuisance).
 2. Not relieve any property of the obligation to comply with conditions and commitments which lawfully apply to the property made in connection with any variance, rezoning, platting, or other zoning decision.

(G.O. 31, 2001, § 10; G.O. 2, 2002, § 23)

Sec. 735-607. Definitions.

The words in the text of this article of this chapter shall be interpreted in accordance with the definitions set forth below. Except as indicated below, the definitions of Chapter 732 shall apply.

- (a) **Administrator.** The Administrator of the Division of Planning of the Department of Metropolitan Development.
- (b) **Alley.** A public right-of-way which has been dedicated or deeded to and accepted by the public for public use as a secondary means of public access to a lot otherwise abutting upon a public street and not intended for traffic other than public services and circulation to and from said lot and typically measures 30 feet or less in width..
- (c) **Established front setback line.** The line that parallels the *front lot line* and is located at the closest point of any legally established *building* on the *lot* to the *front lot line*, measured at grade.
- (d) **Regional Center Hearing Examiner.** An employee or contracted employee of the City of Indianapolis appointed by the Metropolitan Development Commission with specific knowledge and experience in urban design.
- (e) **High Impact Project.** Projects that are: new construction valued at a hard cost value exceeding a specific threshold value; remodeling or modification of existing development values at a hard cost value exceeding a specific threshold value; proposing a floor area exceeding a specific threshold value measured in square footage; proposing an area of surface parking exceeding a specific threshold value measured in square footage; or demolition of historic structure as determined by the *Administrator*. The threshold values of *High Impact Projects* shall be established by a resolution of the Metropolitan Development Commission.
- (f) **Mile Square.** The geographic area within the Regional Center and *North Meridian Street Corridor* secondary zoning district bound by North Street, East Street, South Street, and West Street and including any lot with frontage on North Street, East Street, South Street, and West Street.
- (g) **North Meridian Street Corridor.** The geographic area within the Regional Center and North Meridian Street Corridor secondary zoning district bounded on the:
 - (1) North by 30th Street;
 - (2) South by 16th Street;
 - (3) East by Talbott Street, north of Fall Creek; the first *alley* east of Pennsylvania Street from Fall Creek to 17th Street; and then Talbott Street from 17th Street to 16th Street;
 - (4) West by the first *alley* west of Illinois Street extended from 30th Street to 16th Street.
- (h) **Vehicle area.** Uncovered area used for vehicular traffic, maneuvering and parking. Included are the parking areas, drives, and driveways.

(G.O. 56, 2008, effective August 31, 2008)

Sec. 735-608. Severability.

If any section, subsection, paragraph, subparagraph, clause, word, provision, or portion of this article shall be held to be unconstitutional or invalid by any court of competent jurisdiction, such holding or decision shall not affect or impair the validity of this article as a whole or any part thereof, other than the section, subsection, paragraph, subparagraph, clause, phrase, word, provision or portion so held to be unconstitutional or invalid.